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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,235	05/30/2006	Kazuhiro Nakadai	62533.00047	8946

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EXAMINER

KAZEMINEZHAD, FARZAD

ART UNIT	PAPER NUMBER
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2626

NOTIFICATION DATE	DELIVERY MODE
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06/15/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPGENERALTYC@SSD.COM
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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/579,235	Applicant(s) NAKADAI ET AL.	
	Examiner FARZAD KAZEMINEZHAD	Art Unit 2626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 May 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/Farzad Kazeminezhad/
Art Unit 2626

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because: Page 10, the first 3 's provide general overviews of the latest office action dated 3/25/2011.

From the 4th ¶ on page 10 to the end of the first ¶ on page 11, the applicant has asserted the previous finality to be improper because "the Examiner has introduced a new ground of rejection by citing new reference Ichikawa" (page 10 lines 4-3 above the page bottom). The change of the reference from Kim (US 2004/0175006) to Ichikawa et al. (US 7,478,041) was mandated by the change of the filing date by perfecting the foreign priority, since the respective FAOM was based on the regular filing date of the application as no certified translation of the priority was received at the time, while the final action was based on the foreign priority date. It was applicant's responsibility to perfect his foreign priority at the time of the first action in order to receive the benefit of its date (MPEP 706.02(b)(E)). The examiner did not make any error in using Kim the first time, and using Ichikawa the next time and still going final.

From the last ¶ on page 11 to the ¶ before last on page 13, the applicant has provided overviews of the independent claim 1 and selected teachings of the prior art of record references Asano (US 2004/0054531), Ichikawa (US 7,478,042) and Ito (US 7,076,433) respectively. In the first two ¶'s of page 14, it is asserted that the mentioned prior art of record fail to teach the limitation involving acoustic model composition module (claim 1 limitation 4). In particular it is asserted that "The office action appears to take the position that paragraph 0114 of Asano discloses this aspect of the claims" (page 14 the 2nd lines 1-2), and has devoted the remainder of that ¶ to demonstrate why Asano fails that limitation. The applicant is respectfully reminded that Asano was not used for the limitation "an acoustic model composition module configured to compose an acoustic model adjusted to the sound direction" part of that limitation (please see page 5 the first ¶ which has utilized Ichikawa for that part of the limitation). Although most of the remainder of the limitation 4 of claim 1 is mapped to teachings of Asano, the limitation and therefore the claim as a whole was rendered obvious by the teachings of Asano in view of Ichikawa. Recall FP-07-37-13

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

On page 15 the first ¶, it is asserted that "The office Action cited the profile fitting unit 33 of Ichikawa as being relevant to the present claims" (lines 1-2); "However, Ichikawa fails to disclose or suggest that the profile fitting unit composes an acoustic model adjusted to the sound direction, based on the direction-dependent acoustic models in the acoustic model memory, and stores the direction-dependent acoustic models in the acoustic model memory" (last 4 lines). First Ichikawa was only used for the first part of this limitation before the first comma. Recall FP-07-37-13. Second as described in the office action, the profile P(theta) is "voice power distribution data" as a function of the sound direction "theta". Therefore obtaining P(theta) which is power (acoustic unit) as a function of theta (angle or sound direction), amounts to obtaining an acoustic unit profile as a function of the sound direction and storing them for various theta "beforehand for various sound source directions" (remarks page 15 line 5 as acknowledged by the applicant) does amount to generating an acoustic model which uses those acoustic units adjusted to specific directions for future recognitions.

Regarding claim 8 on page 16 the first ¶ is asserted that "Asano makes no mention of estimating the direction a speaker is moving, and, therefore, does not disclose or suggest estimating a current position of the speaker according to the estimated direction" (last 3 lines). As mentioned on page 13 of the last office action, this claim's limitations were mapped to claim 1 limitations and therefore the same arguments used for claim 1 apply here; i.e. to summarize: Asano's robots do determine the distance of a speaker including moving speakers from the robot (i.e. his current position) as he is using distance dependent acoustic models and also the fact that its "head unit 3 is moved" (i.e. following speaker's motion) "till the head unit 3 faces in the same direction as the detected direction of the sound source" (¶ 0129 lines 5-7); Asano also determines the sound source direction as acknowledged by the remarks page 16 the first lines 5-3 above the 2nd ¶ by using power and phase difference and also launching waves to the "obstacle" (speaker) according to 's 0129 and 0142; Asano does not teach using acoustic models adjusted to sound direction in its recognition for which Ichikawa was used. Therefore their combination renders obvious estimating current position based on Asano's stored distance dependent acoustic models which have incorporated the direction dependent features of Ichikawa or basically direction of the speaker.

Regarding claim 5, it is asserted to be patentable because the added prior art reference Okuno (US 7,035,418) "does not cure the deficiencies in Asano, Ichikawa, and Ito, because Okuno also fails to disclose or suggest " claim 1 limitations (page 17 lines 1-8) when Okuno was not used for claim 1. Therefore these arguments are not relevant.